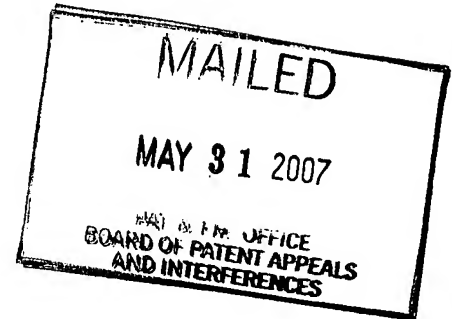


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL M. IWATAKE,
KEVIN E. MELLO,
MATTHEW W. OONK
AMANDA L. PIPER,
YUN Y. WANG,
and KEITH K. WONG

Application No. 10/711,298



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 16, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On September 6, 2006, appellants filed an Appeal Brief. A review of the file reveals that the appendix to the Brief needs to be submitted as a separate paper attached to the Brief as opposed to being within the body of the Brief.

Application No. 10/711,298

According to MPEP 1205.02 which states:

. . . . The copy of the claims should be double spaced and the appendix should start on a new page.

Appropriate correction required.

In addition, on December 7, 2006, an Examiner's Answer was mailed.


On page 2 of the Examiner's Answer, the examiner cites "Osaki (JP-08-107087)" as prior art. The record, however, does not contain an English language translation of the complete reference.

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) a separate Appendix should be submitted to be attached to the Brief;
- 2) obtain complete English language translation of the Osaki reference for the record;
- 3) provide a copy of the translation to the appellants; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/dal

cc: INTERNATIONAL BUSINESS MACHINES
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